





City of Loma Linda Official Report

Floyd Petersen, Mayor
Stan Brauer, Mayor pro tempore
Robert Christman, Councilmember
Robert Ziprick, Councilmember
Charles Umeda, Councilmember

COUNCIL AGENDA: April 18, 2006

TO: City Council

VIA: Dennis R. Hallaway, City Manager 

FROM: T. Jarb Thaipejr, Public Works Director/City Engineer 

SUBJECT: LANDSCAPE MAINTENANCE DISTRICT (LMD) NO. 1 –
FISCAL YEAR 06-07 ANNUAL REPORT

RECOMMENDATION

It is recommended that the City Council approve:

1. Council Bill #R-2006-17 – Appointing an engineer and ordering preparation of the Engineer's Report;
2. Council Bill #R-2006-18 – Preliminarily approving the Engineer's Report; and
3. Council Bill #R-2006-19 – Setting the public hearing for June 13, 2006.

BACKGROUND

The City of Loma Linda annually levies and collects special assessments in order to maintain the improvements within the City of Loma Linda Landscaping Maintenance District No. 1. The District was formed prior to 1992 with annexations to the District approved in subsequent years. Annual assessments are established pursuant to the *Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code* (The "1972 Act").

ANALYSIS

The Annual Report has been submitted by Muni-Financial, the Assessment Engineer. The total assessment for FY 06-07 will be \$470,756. Expenditures for FY 06-07 are estimated to be \$ 432,200.

FINANCIAL IMPACT

Account No. 71-5200-1820

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LOMA LINDA, COUNTY OF SAN BERNARDINO,
CALIFORNIA, ORDERING THE PREPARATION OF AN
ENGINEER'S REPORT FOR LANDSCAPE MAINTENANCE
DISTRICT NO. 1 FOR FISCAL YEAR 2006/2007

The City Council of the City of Loma Linda (the "City"), pursuant to the provisions of the Landscaping and Lighting Act of 1972, being division 15 of the Streets and Highways Code of the State of California (the "Act"), desires to initiate proceedings for Loma Linda Landscape Maintenance District No. 1, Annexations Original, and 1 through 69 (the "District") and for the levy and collection of assessments within the proposed District for the fiscal year 2006/2007, for the purposes provided therefore in the Act; and

The public interest and convenience require the City to initiate proceedings for the levy of assessments within the District for the fiscal year 2006/2007, for the purposes provided thereof in the Act; and

Section 22622 of the Act requires the City to adopt a resolution generally describing any proposed new improvements or any substantial changes in the existing improvements and ordering the Engineer to prepare and file a report in accordance with Article 4 of the Act.

WHEREAS, the City Council of the City of Loma Linda determined that the public interest, convenience and necessity required the installation and planting of landscape materials and the installation and construction of an irrigation system and other facilities set forth in Section 22525 of the Streets and Highways Code, State of California, and the maintenance thereof within the incorporated boundaries of the City of Loma Linda as shown on the attached map; and

WHEREAS, MuniFinancial, 27368 Via Industria, Suite 110, Temecula California, 92590, was appointed "Engineer of Work" with all provisions of Division 15 applicable to the Engineer applied to said "Engineer of Work"; and

WHEREAS, Section 22622 requires that an Engineer's Report be prepared and filed annually, outlining the assessments to be levied against the properties within the assessment district; and

WHEREAS, the City Council has determined that commercial and some multi-family residential properties could provide their own landscape maintenance to standards acceptable to the City; and

WHEREAS, Annexations 51 through 69 have approved for a CPI factor to be included on their assessments; and

WHEREAS, Proposition 218, Right to Vote on Taxes Act, was approved by the voters on November 5, 1996, added Articles XIII C and XIII D to the California Constitution which exempts any assessments imposed when persons owning all of the parcels subject to the assessment agreed to being included in the District and subject to the assessment at the time the assessment is initially imposed; and

WHEREAS, each and every property owner comprising all of the parcels within the District was conditioned to install landscape improvements and agreed to their parcels being included in the District when the assessments were initially imposed; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loma Linda that

1. The Engineer of Work is ordered to prepare the report for fiscal year 2006/2007 in accordance with Article 4, Division 15, of the Streets and Highways Code, "Landscaping and Lighting Act of 1972" of the State of California, to reflect the benefit determination outlined above; and

2. The landscaping assessments for fiscal year 2006/2007 are not increased over those imposed for fiscal year 2005/2006 with the exception of Annexations 51 through 69 by a CPI factor; and

3. The formula used to annually adjust the maximum assessment rate for this District is based on the annual percentage change in the Consumer Price Index (CPI) for All Urban Consumers for Los Angeles-Riverside-Orange Counties. Typically the percentage change is based on the change from March of the previous year to March of the beginning current fiscal year, but may be based on a similar time period if the March percentage change is not available when the Preliminary Engineer's Report is prepared. The adjusted maximum assessment rate for fiscal year 2006/2007 has been increased by 5.1% over the previous fiscal year based on the percentage change in CPI from February 2005 to February 2006.

4. Notices and Assessment Ballots are not required if assessments are not increased other than for the amount of the current CPI.

APPROVED, ADOPTED AND SIGNED this 18th day of April 2006 by the following vote:

Ayes:
Noes:
Abstain:
Absent:

Floyd Petersen, Mayor

ATTEST:

Pamela Byrnes-O'Camb, City Clerk

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LOMA LINDA, COUNTY OF SAN BERNARDINO,
PRELIMINARILY APPROVING ENGINEER'S REPORT FOR
FISCAL YEAR 2006/2007 FOR LANDSCAPE MAINTENANCE
DISTRICT NO. 1

The City Council of the City of Loma Linda (the "City"), pursuant to the provisions of the Landscaping and Lighting Act of 1972, being division 15 of the Streets and Highways Code of the State of California (the "Act"), has ordered the preparation of an Engineer's Report and has filed said Report titled "Loma Linda Landscape Maintenance District No. 1, Annexations Original and 1 through 65" (the "District") and has initiated proceedings for the levy and collection of assessments within the proposed District for the fiscal year 2006/2007, for the purposes provided therefore in the Act; and

WHEREAS, on the 18th day of April 2006, the City Council did adopt its Resolution No. _____ directing the Engineer of Work to make and file with the City Clerk of said City a report in writing as required by the Landscaping and Lighting Act of 1972 for fiscal year 2006/2007; and

WHEREAS, said Engineer of Work has made and filed with the City Clerk of said City a report in writing as called for in said Resolution and under and pursuant to said Act, which report has been presented to this Council for consideration; and

WHEREAS, said Council has duly considered said report and each and every part thereof, and finds that each and every part of said report is sufficient, and that said report, nor any part thereof, requires or should be modified in any respect; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loma Linda that:

1. The Engineer's Estimate of the itemized costs and expenses of said work and of the incidental expenses in connection therewith, contained in said report be, and each of them is hereby, preliminarily approved.
2. The diagrams showing the Assessment District referred to and described in said report, the boundaries of the subdivision of land within said Assessment District, as the same existed at the time of passage of said Resolution are hereby preliminarily approved.
3. The proposed assessments upon the subdivisions of land in said Assessment District is in proportion to the estimated special benefit to be received by said subdivisions, respectively, from said work and of the incidental expenses thereof, as contained in said report are hereby preliminarily approved.
4. Said report shall stand as the Engineer's Report for the purposes of all subsequent proceedings, and pursuant to the proposed district.

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PASSED, APPROVED AND ADOPTED this 18th day of April 2006 by the following
vote:

Ayes:
Noes:
Abstain:
Absent:

Floyd Petersen, Mayor

ATTEST:

Pamela Byrnes-O'Camb, City Clerk

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, COUNTY OF SAN BERNARDINO, CALIFORNIA DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2006/2007 IN LANDSCAPE MAINTENANCE DISTRICT NO. 1, AN ASSESSMENT DISTRICT; DECLARING THE WORK TO BE OF MORE SPECIAL THAN GENERAL PUBLIC BENEFIT; SPECIFYING THE EXTERIOR BOUNDARIES OF THE AREAS WITHIN LANDSCAPE MAINTENANCE DISTRICT NO. 1 TO BE ASSESSED THE COST AND EXPENSE THEREOF; DESIGNATING SAID DISTRICT AS LANDSCAPE MAINTENANCE DISTRICT NO. 1, DETERMINING THAT THESE PROCEEDINGS SHALL BE TAKEN PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

The City Council of the City of Loma Linda (the "City") pursuant to the provisions of the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California, does resolve as follows:

WHEREAS, That the public interest and convenience requires and it is the intention of the City Council of the City of Loma Linda, California, to order the following work be done:

1. Maintenance and servicing of facilities and landscaping as authorized by Section 22525 of the Streets and Highways Code.
2. Any and all work and materials appurtenant thereto or which are necessary or convenient for the maintenance and servicing thereof; and

WHEREAS, The foregoing described work is to be located within the right-of-way and easements along existing streets which have heretofore been maintained by the District throughout the City of Loma Linda, more particularly described on maps which are on file in the City Clerk's Office entitled, "Landscape Maintenance District No. 1"; and

WHEREAS, That the contemplated work, in the opinion of said City Council, is of more than special than general public benefit, and the said City Council hereby makes the expense of the said work chargeable upon a district, which said district is more particularly described on maps which are on file in the City Clerk's Office entitled, "Landscape Maintenance District No 1"; and

WHEREAS, The City Council of said City by Resolution No. ____ has approved the report of the Engineer of Work, which report indicates the amount of the proposed assessment, the district boundary, including the annexation territories, detailed description of improvements, and the method of assessment. The report titled "Engineer's Report, Landscape Maintenance District No. 1, Annexations Original and 1 through 69, fiscal year 2006/2007" is on file in the Office of the City Clerk of said City, and was prepared for fiscal year 2006/2007 in accordance with the Landscaping and Lighting Act of 1972. Reference to said report is hereby made for all particulars for the amount and extent of the assessments and for the extent of the work; and

WHEREAS, the current assessment rate is adequate to maintain the current facilities; and

WHEREAS, in order to maintain the facilities at a standard acceptable to the City, the assessments within the District will need to be levied for fiscal year 2006/2007; and

WHEREAS, Proposition 218, the Right to Vote On taxes Act does hereby require that if the assessment rate is to be increased, a notice of the proposed assessment along with a ballot shall be mailed to all owners of identified parcels within the District, and that the agency shall conduct a public hearing not less than 45 days after the mailing of said notice; and

WHEREAS, the assessments for fiscal year 2006/2007 are not proposed to be increased above the approved Consumer Price Index (CPI) for Annexations 51 through 69; and

WHEREAS, the formula used to annually adjust the maximum assessment rate for this District is based on the annual percentage change in the Consumer Price Index (CPI) for All Urban Consumers for Los Angeles-Riverside-Orange Counties. Typically the percentage change is based on the change from March of the previous year to March of the beginning current fiscal year, but may be based on a similar time period if the March percentage change is not available when the Preliminary Engineer's Report is prepared. The adjusted maximum assessment rate for fiscal year 2006/2007 has been increased by 5.1% over the previous fiscal year based on the percentage change in CPI from February 2005 to February 2006.

WHEREAS, notices and Assessment Ballots are not required if assessments are not increased other than for the amount of the current CPI; and

WHEREAS, The assessment shall be collected at the time and in the same manner as County taxes are collected. The Engineer of Work shall file a report annually with the City Council of said City and said Council will annually conduct a hearing upon said report, at which time assessments for the next fiscal year will be determined; and

WHEREAS, All the work herein proposed shall be done and carried through in pursuance of an act of the legislature of the State of California designated the Landscaping and Lighting Act of 1972, being Division 15 of the Streets and Highways Code of the State of California; and

WHEREAS, Published notice shall be made pursuant to Section 6061 of the Government Code. The publication of notice of hearing shall be completed at least 10 days prior to the date of hearing; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Loma Linda that:

1. Notice is hereby given that on the 13th day of June 2006 at the hour of 7:00 p.m., or as soon thereafter as possible, in the City Council Chamber at 25541 Barton Road, in the City of Loma Linda, any and all persons having any objections to the work, annexations, or extent of the assessment district, may appear and show cause why said work should not be done or carried out in accordance with this Resolution of Intention. The City Council will consider all oral and written protests; and

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2. The City Clerk shall certify to the adoption of this Resolution.

APPROVED, PASSED AND ADOPTED this 18th day of April 2006 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Floyd Petersen, Mayor

ATTEST:

Pamela Byrnes-O'Camb, City Clerk